

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DONNA BUSCHE, an individual,

Plaintiff,

v.

URS ENERGY AND CONSTRUCTION, INC.,
an Ohio corporation, and BECHTEL
NATIONAL, INC., a Nevada
corporation,

Defendants.

CASE NO. CV-13-5016-EFS

**PROTECTIVE ORDER REGARDING
CONFIDENTIAL INFORMATION**

The parties anticipate producing documents from personnel files and other documents containing sensitive personal information ("Sensitive Personal Information"), documents designated Official Use Only ("OUO Documents"), and/or business proprietary documents (like trade secrets and other private business information the public release of which would cause damage to a party) ("Business Proprietary Documents") (collectively, "Protected Information") in the course of this litigation. The parties are willing to enter into a protective order covering such Protected Information.

Sensitive Personal Information shall be marked with the legend:

Confidential - Subject to Protective Order
Case No. CV-13-5016-EFS

Official Use Only Documents shall be marked with the legend:

OUO - Subject to Protective Order
Case No. CV-13-5016-EFS

Business Proprietary Documents shall be marked with the legend:

Business Proprietary - Subject to Protective Order
Case No. CV-13-5016-EFS

Except with the prior written consent of the producing party, the attorneys and parties herein shall use Protected Information only for purposes of this action, and shall not disclose such information to anyone other than:

(a) the Court and any persons employed by the Court whose duties require access to materials filed in connection with this action;

(b) legal counsel for any party in this action, their legal associates, paralegals, clerical and other support staff;

(c) the Parties;

(d) actual witnesses and potential witnesses in this action, and their counsel, to the extent reasonably necessary;

(e) outside consultants and experts (and their employees) retained for the purpose of assisting in the prosecution and/or defense of this action, to the extent reasonably necessary;

(f) court reporters; and

(g) Employees of copying and similar outside services utilized with respect to this action.

Prior to any disclosure of Protected Information to witnesses who are not parties to this action, or to outside consultants and experts, said individuals shall receive a copy of this Order and sign an agreement (in substantially the form presented in Exhibit A hereto) evidencing his or her intent to be bound by its terms. Counsel making

1 such a disclosure shall keep a log of those individuals to whom
2 Protected Information is disclosed, which log shall not be subject to
3 disclosure to opposing counsel except in the event of a dispute about
4 the use or dissemination of Protected Information.

5 A Defendant will not designate a document as Protected
6 Information if the Defendant provided the document to the U.S.
7 Department of Energy and it would be subject to release in response to
8 a request pursuant of the Freedom of Information Act.

9 If any party intends to file Protected Information with the
10 Court, the party wishing to file such Protected Information shall give
11 the opposing parties at least ten (10) business days' notice of its
12 intent to do so, including giving the opposing parties notice of what
13 specific Protected Information is intended to be filed. Within seven
14 (7) business days of such notice, an opposing party may file a motion
15 to seal the Protected Information. If the Court grants the opposing
16 party's motion to seal, any communications to the Court, including any
17 pleadings, motions, documents, or other papers containing designated
18 Protected Information that has been ordered by the Court to be sealed,
19 shall be communicated to the Court in a sealed envelope or other
20 appropriate sealed container on which shall be written the caption of
21 this lawsuit, an indication of the contents of the sealed envelope or
22 container, and the words "PROTECTED INFORMATION -- SUBJECT TO A
23 PROTECTIVE ORDER", and the Clerk of this Court is directed to maintain
24 such materials under seal. The party wishing to file the Protected
25 Information shall not file such Protected Information until the Court
26 has ruled upon the motion to seal.

1 Inadvertent failure to designate any Protected Information as
2 such shall not constitute a waiver of an otherwise valid claim of
3 confidentiality pursuant to this Order, so long as a claim of
4 confidentiality is asserted within fourteen (14) days after discovery
5 of the inadvertent failure. At such time, arrangements shall be made
6 by the Parties to designate the material in accordance with this
7 Order.

8 Upon conclusion of this Lawsuit, the Parties shall promptly
9 either destroy or return all copies of Sensitive Personal Information,
10 Official Use Only Documents, Business Proprietary Documents, and
11 Attorneys Eyes Only Documents to the producing party, and shall
12 certify in writing that they have done so. Destruction or return
13 shall be at the option and cost of the producing party. This
14 agreement shall become effective upon entry by the Court or signature
15 by counsel for the parties, and the parties and counsel agree to be
16 bound by and abide by its terms.

17 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this
18 Order and provide copies to all counsel.

19 **DATED** this 20th day of September 2013.

20
21 s/ Edward F. Shea
EDWARD F. SHEA
22 Senior United States District Judge
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EXHIBIT AAGREEMENT TO BE BOUND BY PROTECTIVE ORDER

I, _____, hereby acknowledge that I have received a copy of the Protective Order Regarding Confidential Information in the matter of *Busche v. URS Energy and Construction, Inc., et al.*, in the United States District Court for the Eastern District of Washington, No. CV-13-5016-EFS. I have read and agree to be bound by all of the provisions of the Protective Order. I agree (a) not to divulge any Protected Information or materials to any person other than those identified in the Protective Order; and (b) not to use any Protected Information or materials for any purpose other than this litigation. In addition, I consent to the jurisdiction and contempt power of the United States District Court for the Eastern District of Washington with respect to the enforcement of the Protective Order.

DATED: _____, 2013.

Signature

Print Name